



EB-2011-0394

IN THE MATTER OF the *Ontario Energy Board Act*, 1998,
S.O. 1998, c.15 (Schedule B);

AND IN THE MATTER OF an application for an Order
granting leave to construct Transmission facilities for
McLean's Mountain Wind LP.

BEFORE: Karen Taylor
Presiding Member

Cynthia Chaplin
Member

DECISION AND ORDER ON COST AWARDS

August 21, 2012

McLean's Mountain Wind LP. ("McLean's") filed an application on November 22, 2011 with the Ontario Energy Board pursuant to section 92(1) of the Ontario Energy Board Act, 1998, S.O. 1998, c.15, Schedule B for an order granting leave to construct transmission facilities for the connection of a wind farm to the Ontario electricity grid. On January 27, 2012, the Board issued its Procedural Order No. 1, granting Wikwemikong Unceded First Nation Elders and Youth (the "Wikwemikong"), the Manitoulin Coalition for Safe Energy Alternatives ("MCSEA"), Wind Concerns Ontario ("WCO"), Lake Superior Action Research Conservation ("LSARC") and BayNiche Conservancy ("BayNiche") intervenor status. The Board also determined that MCSEA would be eligible for costs in this proceeding but the extent of the cost eligibility would be restricted to matters directly within the scope of this proceeding. In addition, the Board stated that an honorarium might also be considered by the Board at the end of the proceeding.

The Board issued its Decision and Order on the application on June 28, 2012, in which it set out the process for MCSEA to file its cost claim and to respond to any objections raised by McLean's.

On July 19, 2012, the Board received a letter from Mr. Raymond Beaudry of MCSEA requesting an honorarium associated with its participation throughout the EB-2011-0394 proceeding. MCSEA stated that the main focus of MCSEA's efforts in the case was with the specific purpose of facilitating a group intervention. MCSEA stated that although its request is for an honorarium, its role can best be described as that of a "case manager", as that phrase is defined in the Board's current *Practice Direction on Cost Awards*. MCSEA further stated that their most conservative estimate was that they spent approximately 588 hours on the case. MCSEA also referred to the honorarium granted to an individual in another leave to construct case.

On July 26, 2012, McLean's raised concerns regarding the cost claim of MCSEA. McLean's noted that MCSEA did not make a cost claim and it had no counsel or consultant, but was instead requesting an honorarium associated with its participation in the proceeding. McLean's commented that the proceeding and MCSEA's participation was not comparable to the other leave to construct proceeding referenced by MCSEA.

McLean's noted that the need to retain a consultant was initially held out by MCSEA as a ground for its request for cost eligibility. However, on February 13, 2012, shortly after the issuance of Procedural Order No. 1, in which the Board granted limited cost eligibility to MCSEA, Mr. Beaudry advised that MCSEA was no longer requesting a cost award for professional services.

McLean's suggested that the Board award no more than \$300 to MCSEA.

Board Findings

The Board will grant Mr. Beaudry of MCSEA an honorarium of \$500. The Board notes that much of the material Mr. Beaudry placed on the record on behalf of MCSEA was outside the scope of the proceeding or was of limited relevance to the issues to be decided. However, MCSEA made a genuine effort to participate meaningfully and responsibly, and it did make a contribution to the proceeding. The awarding of an honorarium is not intended as a proxy for costs associated with legal counsel or consultants. It was open to MCSEA to acquire such services, and it did not do so.

THE BOARD THEREFORE ORDERS THAT:

1. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, McLean's shall immediately pay Mr. Beaudry of MCSEA \$500.
2. Pursuant to section 30 of the *Ontario Energy Board Act, 1998*, McLean's shall pay the Board's costs of and incidental to, this proceeding immediately upon receipt of the Board's invoice.

DATED at Toronto, August 21, 2012

ONTARIO ENERGY BOARD

Original Signed By

Kirsten Walli
Board Secretary